

EXHIBIT A

COUNTIES AND COUNTY OFFICERS--OUTSTANDING..., 2010 Okla. Sess. Law...

2010 Okla. Sess. Law Serv. Ch. 87 (H.B. 3242) (WEST)

OKLAHOMA 2010 SESSION LAW SERVICE

Fifty-Second Legislature, 2010 Second Regular Session

Additions are indicated by **Text**; deletions by
Text.

CHAPTER 87

H.B. No. 3242

COUNTIES AND COUNTY OFFICERS--OUTSTANDING WARRANTS

An Act relating to counties and county officers; amending Sections 1 and 2, Chapter 254, O.S.L. 2003, as amended by Sections 2 and 3, Chapter 208, O.S.L. 2005 (19 O.S. Supp. 2009, Sections 514.4 and 514.5), which relate to outstanding warrants; modifying scope of certain contracts; modifying administrative costs for certain warrants; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

<< OK ST T. 19 § 514.4 >>

SECTION 1. AMENDATORY Section 1, Chapter 254, O.S.L. 2003, as amended by Section 2, Chapter 208, O.S.L. 2005 (19 O.S. Supp. 2009, Section 514.4), is amended to read as follows:

Section 514.4. A. Notwithstanding any other section of law, the county sheriffs of any Oklahoma county may enter into a private contract, pursuant to Section 85.41 of Title 74 of the Oklahoma Statutes. Such contract shall require the contractor to attempt to locate and notify persons of their outstanding misdemeanor **or failure-to-pay** warrants.

B. A person may make payment directly to the court, as allowed by law, or the contractor shall be authorized to accept payment on misdemeanor **or failure-to-pay** warrants by various means including, but not limited to, payment by phone, mail, or Internet, and in any payment form including, but not limited to, personal, cashier's, traveler's, certified, or guaranteed bank check, postal or commercial money order, nationally recognized credit or a debit card, or other generally accepted payment form. Any payment collected and received by the contractor shall be paid within fifteen (15) days to the court clerk of the entity that issued the outstanding misdemeanor **or failure-to-pay** warrant.

C. As provided for by this section, a person may pay in lieu of appearance before the court and such payment accepted by the court shall constitute a finding of guilty as though a plea of nolo contendere had been entered by the defendant as allowed by law and shall function as a written, dated, and signed plea form acceptable to the court. Such payment shall serve as a written waiver of a jury trial.

D. The court shall release the outstanding misdemeanor **or failure-to-pay** warrant upon receipt of all sums due pursuant to said warrant including the misdemeanor **or failure-to-pay** warrant, scheduled fine or sum due, all associated fees, costs and statutory penalty assessments, and the administrative cost pursuant to Section 514.5 of this title.

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E. The provisions of any contract entered into by a county sheriff shall be administered by a statewide association of county sheriffs in Oklahoma. The county sheriff of any Oklahoma county may assign their right to contract to the statewide association administering the provisions of this contract.

F. The provisions of this section and Section 514.5 of this title shall be applicable to:

1. Any misdemeanor **or failure-to-pay** warrant issued or relating to any proceeding pursuant to the State and Municipal Traffic Bail Bond Procedure Act; **and**

2. Any misdemeanor **or failure-to-pay** warrant issued that allows a defendant to resolve the matter by payment in lieu of a personal appearance in court; **and**

3. Any failure-to-pay warrant issued in a criminal case.

<< OK ST T. 19 § 514.5 >>

SECTION 2. AMENDATORY Section 2, Chapter 254, O.S.L. 2003, as amended by Section 3, Chapter 208, O.S.L. 2005 (19 O.S. Supp. 2009, Section 514.5), is amended to read as follows:

Section 514.5. A. Misdemeanor **or failure-to-pay** warrants referred to the contractor pursuant to Section 514.4 of this title shall include the addition of an administrative cost of **twenty percent (20%)** **thirty percent (30%)** of the outstanding misdemeanor **or failure-to-pay** warrant, scheduled fine or sum due, and all associated fees, costs and statutory penalty assessments. This administrative cost shall not be waived or reduced except by order of the court.

B. The administrative cost reflected in subsection A of this section, when collected, shall be distributed to the association administering the provisions of the contract, a portion of which may be used to compensate the contractor.

C. The monies collected and disbursed shall be audited at least once a year by a firm approved by the State Auditor and Inspector.

SECTION 3. This act shall become effective November 1, 2010.

Approved April 12, 2010.